

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

CHARLES MCCULLER,

Petitioner,

vs.

CARL ANDERSON,

Respondent.

) **CASE NO. 1:03CV0698**

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) **Judge John M. Manos**

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) **ORDER**

Pursuant to the Memorandum of Opinion issued in the case on this date, Charles McCuller's petition for a writ of habeas corpus is **DENIED**. The Court certifies that an appeal cannot be taken in good faith because McCuller has not made a substantial showing of the denial of a constitutional right. See Federal Rule of Appellate Procedure 22(b); 28 U.S.C. § 2253(c). The Court also certifies that a motion to proceed *in forma pauperis* on appeal cannot be well taken. See 28 U.S.C. § 1915(a)(3).

IT IS SO ORDERED.

Date: April 18, 2006

/s/ John M. Manos

UNITED STATES DISTRICT JUDGE